

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3229 of 2016

1. Santram Sahu, S/o. Shri Mahesh Sahu, aged about 40 years, R/o. Village-Chururpali, Thana – Tendukona, Police Outpost – Bundeli, Civil and Revenue District – Mahasamund (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Tendukona, Police Out Post – Bundeli, Civil and Revenue District - Mahasamund (Chhattisgarh)

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Neeraj Sharma, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.175/2015, registered at Police Station – Tendukona, Police Out Post- Bundeli, District – Mahasamund (C.G.) for the offence punishable under Section 363, 354, 354-A of Indian Penal Code and Section 8 of Protection of Children's from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 24.11.2015, the applicant along with other co-accused went to the hostel of victim and stated that her mother and father are not keeping well and asked her to accompany, therefore, the victim/minor girl went along with the applicant and other co-accused. Subsequently the other co-accused

namely Rishigiri Goswami stated that he likes the victim and tried to outrage her modesty. Initially the applicant was accompany with the other co-accused Rishigiri Goswami.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is further submitted that main accused namely Rishigiri Goswami has been enlarged on bail by this Court in M.Cr.C.No3083 of 2016 vide order dated 24.06.2016. Therefore he prays that, the applicant may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the girl under Section 164 as also the statement recorded under Section 161 of Cr.P.C. Considering the fact that other accused namely Rishigiri Goswami has been enlarged on bail by this Court in M.Cr.C.No3083 of 2016 vide order dated 24.06.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge